

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:06CR124
	)	
v.	)	
	)	
ERIC V. MILLER,	)	ORDER
	)	
Defendant.	)	
_____	)	

Before the court is a Reconsideration Motion filed pro se by defendant Eric Miller, requesting that the court reconsider the denial of his Motion to Reduce Sentence Pursuant to Crack Cocaine Amendment 706 (Filing No. 54; Filing No. 58). The court notes that the defendant filed a Notice of Appeal (Filing No. 60) on February 23, 2009, and this matter is now on appeal to the Eighth Circuit. Accordingly,

IT IS ORDERED that defendant's Reconsideration Motion is denied due to lack of jurisdiction. The Clerk's Office will mail a copy of this order to the defendant at his last known address.

DATED this 1<sup>st</sup> day of September, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge